

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>  <b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>
<b>THIS DOCUMENT RELATES TO:  ETHICON WAVE 5 CASES LISTED IN EXHIBIT A</b>	

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE OF  
NICOLE FLEISCHMANN, M.D. FOR WAVE 5**

Plaintiffs filed a Notice of Adoption (ECF No. 4338) in the Wave 5 cases identified in Exhibit A to their Notice, adopting their Motion to Exclude or, in the Alternative, to Limit the Opinions and Testimony of Nicole Fleischmann, M.D., ECF No. 2050 ("Plaintiffs' Wave 1 Motion"). Defendants hereby adopt and incorporate by reference their prior *Daubert* response in Ethicon Wave 1, Case No. 2:12-md-02327, ECF No. 2150 ("Defendants' Wave 1 Response").

Defendants acknowledge that on August 31, 2016, the Court issued a Memorandum Opinion and Order, ECF No. 2696 (the "Order") GRANTING Plaintiffs' Wave 1 Motion in part, DENYING it in part, and RESERVING judgment in part.

Where the Court DENIED Plaintiffs' Wave 1 Motion, Defendants respectfully request that the Court adopt the same ruling in the Wave 5 Cases for the reasons set forth in Defendants' Wave 1 Response and the Court's Order.

Where the Court otherwise GRANTED or RESERVED judgment on Plaintiffs' Wave 1 Motion, Defendants acknowledge the Court's ruling, and acknowledge the same circumstances apply in Wave 5, but preserve their right to challenge the ruling on appeal.

August 28, 2017

Respectfully submitted,

/s/ Christy D. Jones  
Christy D. Jones  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4523  
christy.jones@butlersnow.com

/s/ David B. Thomas  
David B. Thomas (W.Va. Bar #3731)  
Thomas Combs & Spann PLLC  
300 Summers Street  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 25338  
(304) 414-1807  
dthomas@tcspllc.com

/s/ Kelly S. Crawford  
Kelly S. Crawford  
Riker Danzig Scherer Hyland &  
Perretti, LLP  
Headquarters Plaza  
One Speedwell Avenue  
Morristown, NJ 07962-1981  
(973) 451-8417  
kcrawford@riker.com

COUNSEL FOR DEFENDANTS  
ETHICON, INC., ETHICON, LLC, AND  
JOHNSON & JOHNSON

**EXHIBIT A**

	<b>WAVE 5 CASE NAME</b>	<b>CASE NO.</b>
1.	Gloria Friberg v. Ethicon, Inc., et al.	2:12-cv-06500
2.	Cathy Balura v. Ethicon, Inc., et al.	2:12-cv-07854
3.	Teresa Sciumbata v. Ethicon, Inc., et al.	2:12-cv-07037
4.	Maria Shook v. Ethicon, Inc., et al.	2:12-cv-07446

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2017, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Kelly S. Crawford  
Kelly S. Crawford